IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2839 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SURAJ COOP HOUSING SOCIETY LTD - Petitioner(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR BHARAT T RAO for Petitioner(s) : 1,
MR LR PUJARI, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 30/11/2006

ORAL JUDGMENT

1. By order dated 31.12.92 [Annexure:A], the Collector, Vadodara allotted 2300 sq.mts of land out of survey no. 15, Final Plot No. 716 at the

rate of Rs.110/- per sq.mt. with a further condition that the petitioner wold be answerable to pay final price as determined in future. The petitioner in accordance with the directions deposited the sum of Rs.2,53,000/- under Annexure:C. On 3.6.93, the Collector issued a notice to the petitioner asking it that the final price of the land has been settled at Rs. 450/- per sq.mt. and the petitioner is required to pay difference of Rs. 340/- per sq.mt. amounting to Rs. 7,82,000/-. The petitioner filed its reply on 18.7.94 submitting inter alia that out of the survey no. 15, Final Plot no. 716 6000 sq.mts. of land has been allotted in favour of Janakpuri Cooperative Society at the rate of Rs.80/- per sq.mt. and under the circumstances, the petitioner could not be called upon to pay the alleged difference.

2. Submission of the petitioner is that since thereafter, the Collector has not made any order on the representation made by the petitioner.

3. Despite notice, the respondents have not chosen to file their counter-affidavit.

4. As nobody challenges the statements made by the petitioner, that too on oath, I have no reasons not to believe the said statements.

5. Instead of entering into the factual disputes, I dispose of the petition with a direction to the Collector to take up the matter immediately and after giving an opportunity of hearing to the petitioner, pass final orders in the same and fix the liability of the petitioner. This exercise shall be completed by the Collector within a period of three months from the date of receipt of this order. Failure on the part of the Collector in not complying the order may amount to contempt of lawful authority of this Court and the Collector may be exposing himself to a serious risk.

6. The petition is disposed of. Rule is made absolute to the above extent. No costs. D.S. Permitted.

[R.S. GARG, J.]

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